

A regular meeting of the Board of Trustees of the Village of Cooperstown was held at the Village Office Building, 22 Main Street, Cooperstown, New York on October 22, 2012 at 6:30 p.m. Members in attendance were Mayor Jeff Katz, Trustees Lynne Mebust, Ellen Tillapaugh, Walter Franck, Cynthia Falk, James Dean and Frank Capozza. Also in attendance were Village Attorney – Martin Tillapaugh, Zoning Enforcement Officer Tavis Austin, Village Police Chief Michael Covert, Village Treasurer Ed Keator, Jr., and Village Clerk – Teri Barown. There were twenty-six (26) members of the public present.

Mayor Katz called the meeting to order at 6:30 p.m. and led the pledge of allegiance.

Mayor Katz thanked everyone for participating in the “Fall for Cooperstown” event this past weekend and stated that he hopes it will continue on an annual basis.

Mayor Katz asked if there were comments from the public.

Adrian Kuzminski, Dolon Road, Fly Creek, stated that he supports the concept of the proposed resolution from the Village Environmental Conservation Committee to not support the Constitution Pipeline – although he has not read the resolution.

He proceeded to read the statement that he read at the FERC hearings and provided a copy to be on file with the original minutes.

He stated that it is not in our best interests to provide for expansion of natural gas and that we need to think globally and act locally.

John Davis, 190 Ottaway Road, Cooperstown, stated that like many area residents, he depends on the Village of Cooperstown to provide a voice of leadership for many issues, including the proposed Constitution Pipeline. He stated that the gas industry is a boom and bust industry and that he supports the resolution to oppose the pipeline.

Marion Karl, 24 Mill Street, Cooperstown, stated that she is strongly opposed to the pipeline. She said that whatever happens in Otsego County affects us all. Mrs. Karl read a prepared statement in opposition to the pipeline and urging the Trustees to adopt the resolution proposed by the Environmental Conservation Committee. A copy of her remarks is on file with the original minutes.

Chris Hammond (address not given) stated that he feels the area is under threat from the gas drilling companies. He stated that they are big conglomerates looking for a foothold in the County. He said the proposed pipeline will cause damage to the roads, destruction of property and infringe upon the property rights on individual land owners.

He stated that pipelines are susceptible to methane leaks. He said he has been to areas where there are pipelines and he has seen the damage left behind and that individuals and pets in these areas are sick.

He stated that the County Board of Representatives pushed through a resolution in support without consideration and he urged the Village Board of Trustees to take a stand to support the Town and County.

Keith Schue (address not given) stated that he works with the Nature Conservancy and has seen the consequences of fracking.

He stated that he recognizes that Cooperstown is the jewel of Otsego County shaped by rich culture and history. He stated that it is appropriate to look at the big picture of how the Constitution Pipeline will affect its future.

He provided a copy of the statement from Otsego 2000 to FERC and a map of the proposed route of the Constitution Pipeline. Copies are on file with the original minutes.

Lou Allstadt, 18 Main Street, Cooperstown, stated that he agrees with the comments to shift to a more sustainable energy and some regarding the route of the proposed pipeline.

He stated that based on his years of experience in working with Exxon Mobil he can say that there is no connection between the existence of a pipeline and drilling. He said that the lack of a pipeline won't stop the development of sources of natural gas.

He stated that it is legitimate to question if the pipeline is needed and the promised economic and tax benefits as stated by the developer.

He said it is nonsense to say that if there is a pipeline we will have gas exploration in the area.

Hearing no further public comment, Mayor Katz closed the public comment portion at 6:47 p.m.

Minutes – Ms. Mebust made a motion to accept the minutes of the September 24, 2012 regular Trustee meeting as submitted. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza. Motion carried.

Ms. Mebust made a motion to accept the minutes of the October 5, 2012 special Trustee meeting as submitted. Mr. Capozza seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza. Motion carried.

Zoning Official's Report – Mr. Austin was present to review the monthly zoning report as provided in the Trustee packets.

Mr. Austin noted that as included in the report, a stop work order was issued for work being done at 46 Delaware Street. He stated that HPARB could not make a determination as to the condition of the original materials as work stated prior to the submission of an application.

He asked if the Trustees (1) wished to issue a fine and/or (2) amend the fee schedule so that applicants who submitted their application subsequent to starting the project are charged a fee similar to what the fine would be.

Trustees discussed this issue.

Dr. Franck asked if the process that homeowners need to be aware of is widely known.

Mr. Austin stated that HPARB is placing an article in the upcoming issue of Village Voices.

Dr. Franck stated that he feels we should try to make sure that everyone who needs to know about the process before we set absorbent fees.

Mayor Katz opened the public hearing at 7:00 p.m. regarding the application for a special use permit for 64 Chestnut Street for an accessory residential structure and asked if there were any comments regarding this hearing.

There were none.

Mayor Katz opened the public hearing at 7:01 p.m. for proposed Local Law No. 7 of 2012 – Amend Zoning Law for amendment to definition of light manufacturing and asked if there were any public comment.

Wendall Tripp, 88 Fair Street, stated that when he heard of his proposal he thought that there must be a lot of residents urging the amendment to the definition of light manufacturing. He stated that he has read the proposed change and feels that the current definition makes sense.

He asked why it is felt that the current definition is not adequate. He stated that he regards this change as highly suspicious and finds it alarming. He stated he feels the definition should remain as it is now.

There were no further public comments on either hearing. Mayor Katz stated he would leave them open for the present time.

Zoning Officials Report (continued) – Mr. Austin stated that the work needed on 98-100 Chestnut has been completed and that the pending court action will be dismissed.

Mayor Katz asked that the Trustees take time at this point to review the responses from Planning Board regarding the Board's comments from their special meeting held on October 5, 2012.

Following review and discussion, Trustees agreed with the suggestions as presented by the Planning Board and the proposed sign law will be changed to reflect the suggestions in preparation for a public hearing.

Mayor Katz made a motion to set a public hearing for the Amended Sign Law on November 26, 2012 at 7:00 p.m. or as soon thereafter as can be heard. Dr. Franck seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza. Motion carried.

Mr. Dean made a motion to accept the Zoning Official Report as presented. Dr. Franck seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Public Safety:

Police Committee – A copy of the October committee notes was provided in the Trustee packets.

Ms. Mebust stated that the committee heard comments from the public regarding Estli Avenue being used as a parking lot and that it is felt that this is a safety issue as the area is used by pedestrians.

She stated that the committee recommendation was to have no parking on both sides of Estli Avenue from Main Street to the Village line. Ms. Mebust made a motion to set a public hearing to amend the traffic regulations to reflect this change on November 26, 2012 at 7:00 p.m. or as soon thereafter as can be heard. Dr. Franck seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza. Motion carried.

Fire Committee – A copy of the October committee notes was provided in the Trustee packets.

Mr. Capozza stated that the repair budget line is over expended in the Emergency Squad due to ambulance repairs. He stated that this issue is being worked on with the Treasurer and Squad Captain.

Discussion was held regarding the Fly Creek Fire District responding to calls and that a service contract is no longer needed with the Village. Mr. Tillapaugh stated that the Fly Creek Fire District is comfortable responding to ALS calls, which would make them available for mutual aid situations.

Parking Task Force – Trustees reviewed recommendations made by the Parking Task Force regarding residential parking permits. She stated that if this is agreeable with the Trustees, Mr. Tillapaugh will review the document and provide to Senator Seward as the next step for the Home Rule Petition.

Mr. Dean made a motion that the document be provided to Mr. Tillapaugh for review and then be sent on to Senator Seward in support of the Home Rule Petition. Mr. Capozza seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza. Motion carried.

Ms. Mebust made a motion to accept the Public Safety committees as presented. Dr. Falk seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Mayor Katz asked if there were any additional public comment regarding either public hearing opened earlier in the meeting. Hearing none, he closed both public hearings at 7:25 p.m.

Mr. Capozza made a motion to approve the special use permit application of 64 Chestnut Street for an accessory residential structure as submitted. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza. Motion carried.

Discussion was held regarding a memorandum received from Planning Board suggesting change of language in the proposed local law for the amending the light manufacturing definition – with the change from “within an existing structural footprint” to “within a building”

Mr. Tillapaugh stated that he felt this change, if approved, would not necessitate setting an additional public hearing.

Dr. Franck stated that the Economic Sustainability Committee discussed that our definition wouldn't meet the same standards as defined by other sources.

Mr. Tillapaugh stated that we are defining the use for the Village of Cooperstown and it doesn't need to agree with other sources.

Mr. Dean made a motion to adopt Local Law No. 7 of 2012 – Amend Zoning Law to amend the definition of light manufacturing and changing the wording of “within an existing structural footprint” to “within a building.” Dr. Falk seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza. Motion carried.

Doubleday Field Advisory Committee – A copy of the October committee minutes was provided in the Trustee packets.

Mr. Capozza stated that the committee will continue to work with the Hall of Fame and Friends of Doubleday toward the 75th Anniversary of the Baseball Hall of Fame.

Mr. Capozza provided information to the trustees regarding “Beep Baseball”, which provides the ability for those who are visually impaired to play baseball.

Mr. Capozza updated the Trustees to the progress made this season in the Village's efforts towards elimination of pesticide use for field. Mr. Capozza stated that he felt good progress was made this year with the assistance of the grant from Cornell and that the Village will be applying for an additional year of assistance from them.

Dr. Franck made a motion to accept the Doubleday Field Advisory Committee report as presented. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza. Motion carried.

Streets and Buildings Committee – A copy of the October committee minutes was provided in the Trustee packets.

Dr. Falk stated that there was much discussion at this month's meeting regarding Estli Avenue and that the public safety aspect was referred to Police Committee with a recommendation for no parking.

She stated that the area residents were also interested in having a new sidewalk installed and the committee felt that until there is a major capital infrastructure project in this area that sidewalk work should not be considered.

Dr. Falk stated that she hopes to hear by this Friday regarding a decision on the TAG grant for 22 Main Street.

Dr. Falk stated that the Trustees received the committee's recommendations in their packets regarding On-Street Paid Parking. Following discussion, it was recommended that the Trustees and pertinent committees provide feedback to Streets and Buildings regarding the recommendations for their November meeting in order to potentially set a public hearing in December.

Trustees reviewed a proposed agreement with Bassett Healthcare for plowing and clearing of sidewalks at the CIT project area. Mr. Tillapaugh reviewed the agreement and map showing the area that Bassett is willing to plow.

Mayor Katz questioned the wording of allowing parking for Bassett employees on page one of the agreement. He stated as it is public parking it is open to anyone and we cannot provide wording that seems to designate for a specific group. Following discussion it was suggested that stating "as members of the general public" following the Bassett employee mention would solve the concern.

Mr. Capozza made a motion to authorize the Mayor to sign the agreement with Bassett Healthcare with the addition of the wording as noted above. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Ms. Mebust made a motion to accept the Streets and Buildings Committee report as presented. Dr. Falk seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried

Personnel Committee – A copy of the October committee notes was provided in the Trustee packets.

Ms. Tillapaugh made a motion to approve the temporary hire of Clayton Fairchild as a laborer at Doubleday Field from October 23 – November 16, 2012 at a pay rate of \$10.00 per hour. Dr. Falk seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Ms. Tillapaugh made a motion to accept the Personnel Committee report as submitted. Dr. Falk seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Treasurer's Report – A copy of the Treasurer's Report was provided in the Trustee packets.

Mr. Keator provided the trial balance reports for Trustee review and stated that he is currently working with departments on the accounts over budget.

Ms. Mebust made a motion to accept the Treasurer's Report as submitted. Dr. Franck seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Finance Committee:

Finance:

Trustees reviewed the following items:

1. Review RBC Wealth Management September 2012 Statement
2. Review Justice Court September 2012 Certification for L. Friedman - \$10,350.00
3. Review Justice Court September 2012 Certification for G. Kuch - \$ 4,800.00

4. Review Sales Tax Comparison Reports (Accrual & Cash)

Dr. Franck made a motion to renew the Village's membership with the Cooperstown Chamber of Commerce at the Business Essential's level. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Dr. Franck made a motion to award the low bid for a dump truck with plow and stainless steel body under Option C at a cost of \$55,937 (which includes a trade-in allowance of \$4,000) to Smith Cooperstown. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Dr. Franck made a motion to adopt the following Resolution for Refunding of Public Improvement Serial Bonds – 2003:

REFUNDING BOND RESOLUTION DATED OCTOBER 22, 2012.

A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,000,000 OF THE VILLAGE OF COOPERSTOWN, OTSEGO COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Village of Cooperstown, Otsego County, New York (the "Village") heretofore issued \$2,500,000 aggregate principal amount of its Public Improvement Serial Bonds - 2003 (the "Prior Bonds"), pursuant to bond resolutions dated April 21, 2003 and April 30, 2003 to finance water and sewer system improvements, as set forth and described in Exhibit A attached hereto and made a part hereof, such Prior Bonds being dated August 15, 2003 and maturing, or matured, in the amount of \$80,000 on June 15th in the years 2004 through 2008, both inclusive; \$90,000 on June 15th in the years 2009 through 2013, both inclusive; \$100,000 on June 15th in the years 2014 through 2018, both inclusive; \$110,000 on June 15th in the years 2019 through 2023, both inclusive; and \$120,000 on June 15th in the years 2024 through 2028, both inclusive; and

WHEREAS, the Village has the power and authority to issue refunding bonds of the Village for the purpose of refunding and thereby refinancing all or a portion of the Prior Bonds, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Section 90.10 of the Local Finance Law of the State of New York; and

WHEREAS, Section 90.10 of the Local Finance Law requires that the Village adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the details in connection with the proposed refunding transactions; and

WHEREAS, it would be in the public interest to refund all or a portion of the \$1,740,000 outstanding principal balance of the Prior Bonds (such outstanding principal balance being stated as of October 22, 2012), by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, the present value of the refunding bonds is less than the present value of the Prior Bonds computed in accordance with Section 90.10(b)(2)(a) of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. For the object or purpose of refunding all or a portion of the \$1,740,000 outstanding principal balance of the Prior Bonds, including providing moneys which shall be sufficient to pay (A) the principal amount of the Prior Bonds and (B) the costs and expenses incidental to the issuance of the refunding

bonds herein authorized, there are hereby authorized to be issued the refunding serial bonds of the Village in an aggregate principal amount not to exceed \$2,000,000 pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"). The Refunding Bonds shall be dated November 15, 2012, or such later date as shall hereafter be determined by the Village Treasurer pursuant to Section 4 hereof, shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity and shall mature annually on June 15 in each of the years 2013 through 2028, both inclusive, and shall bear interest payable on December 15, 2012 and semi-annually thereafter on June 15 and December 15, or such other dates as shall be determined by the Village Treasurer pursuant to Section 4 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Village Treasurer.

SECTION 2. The Village Treasurer is hereby delegated all powers of this Board of Trustees with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to letters of credit, lines of credit, revolving credit, bond insurance or other such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 3. The Refunding Bonds shall be executed in the name of the Village by the manual or facsimile signature of the Village Treasurer, and its corporate seal shall be impressed thereon and attested by the Village Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, as the Village Treasurer shall determine.

SECTION 4. It is hereby determined that:

(A) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(B) The maximum period of probable usefulness permitted by law at the time of the issuance of the Prior Bonds for each of the objects or purposes for which the Prior Bonds were issued is as shown upon Exhibit A;

(C) The last installment of the Refunding Bonds will mature not later than the expiration of the maximum period of probable usefulness of each of the objects or purposes for which the Prior Bonds were issued in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law; and

(D) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(b)(2) of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 5 hereof.

SECTION 5. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding is set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$1,630,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This Board of Trustees recognizes that the amount of the Refunding Bonds, and the maturities, terms and interest rate and rates borne by the Refunding Bonds to be issued by the Village will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Village Treasurer is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date of such bonds and the date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds, and all powers in connection therewith are hereby delegated to the Village Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10

of the Local Finance Law. The Village Treasurer shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Village Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

SECTION 6. The Village Treasurer is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as he shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Prior Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

SECTION 7. The faith and credit of said Village of Cooperstown, Otsego County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 8. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Prior Bonds. Accrued interest, if any, on each of the series of Refunding Bonds shall be paid to the Village Clerk to be expended to pay interest on such series of Refunding Bonds on December 15, 2012. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Prior Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Prior Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Prior Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Village irrespective of whether such parties have notice thereof.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

SECTION 10. The Village hereby determines that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") are required.

SECTION 11. Subject to compliance with the provisions of Local Finance Law Section 90.10(f)(2), the Refunding Bonds shall be sold at private sale and the Village Treasurer is hereby authorized to negotiate for such private sale. Subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, the Village Treasurer is hereby authorized to execute and deliver a bond purchase agreement for the Refunding Bonds in the name and on behalf of the Village providing the terms and conditions for the sale and delivery of the Refunding Bonds. After the Refunding Bonds have been duly executed, they shall be delivered by the Village Treasurer in accordance with said bond purchase agreement upon the receipt by the Village of said purchase price, including accrued interest.

SECTION 12. The Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 13. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Village Treasurer and all powers in connection therewith are hereby delegated to the Village Treasurer.

SECTION 14. The validity of the Refunding Bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. Upon this resolution taking effect, the Village Clerk is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law.

SECTION 16. This resolution shall take effect immediately upon its adoption.

EXHIBIT "A"

| Project Financed | Date of Bond Resolution | Total Amount of Serial Bonds Authorized | Subdivision of Section 11.00 of the Local Finance Law | Period of Probable Usefulness |
|--|--------------------------------|--|--|--------------------------------------|
| Construction of Water System Improvements | April 21, 2003 | \$1,000,000 | 1 | 40 years |
| Construction of Sewer System Improvements | April 30, 2003 | \$1,500,000 | 4 | 40 years |

Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Streets and Buildings:

Dr. Franck made a motion to approve a quote submitted by Kaps Krew in the amount of \$1,040 for replacement of electrical receptacles in the Police Department. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza. Motion carried.

Parks:

Dr. Franck made a motion to approve the quote from Resolution Solar/Doherty Electric for the installation of solar panels at Three Mile Point in the amount of \$15,000.00 to be transferred from Parks Reserve subject to permissive referendum. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza. Motion carried.

Water:

Dr. Franck made a motion to approve the proposal submitted by Patrick J. Tomaselli to act as mediator for the dispute with Bellamy Construction regarding a change order in the Zebra Mussel Project at a cost to the Village of Cooperstown of \$1,971.50. Mr. Capozza seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Sewer:

Dr. Franck made a motion to authorize going to bid for the purchase of a jetter as budgeted. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Dr. Franck made a motion to authorize going to bid on the Anarobic Digester Improvement Project pursuant to the proposal submitted by Lamont Engineers. Ms. Mebust seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Capital Projects:

Dr. Franck made a motion to approve payment of Invoice No. 00022 – Zebra Mussel Control Study – Lamont Engineers - \$2,028.37. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza. Motion carried.

Dr. Franck made a motion to approve Payment Application No. 7 – CIT Project – G. DeVincentis & Sons - \$482,230.09. Dr. Falk seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Dr. Franck made a motion to approve MJ Engineering and Surveying, PC engineering proposal for Doubleday Field Grandstand Roof as submitted. Mr. Capozza seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Dr. Franck made a motion to approve the following items added to the agenda:

CLA Site Invoice No. 8 – CIT Project Administration - \$40,554.21
 Bellamy Construction – Payment Application No. 3 – Zebra Mussel Project - \$74,800.95

Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Personnel:

Dr. Franck made a motion to retroactively approve the training request of Mike Covert for attendance at the NYS Intelligence Summit in Albany, New York on October 17 and 18, 2012 at no cost. Dr. Falk seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Dr. Franck made a motion to approve the following conference requests:

Brian Clancy – Cornell Local Roads – 11/13/12
 Kevin Voice – Taser X2 Instruction Recertification – 11/7/12 - \$175.00
 K. Voce – S. Sheldon – Justice Portal Updates – 11/29/12
 Robert Satriano – AAREMS Trainer Teaching Day – 11/3/12 - \$60.00
 W. Hogan, C. Howard – Bassett EMS Training Day – 11/2/12 - \$35.00/each

Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Trustees reviewed the September 2012 hours of leave report and overtime analysis for pay periods ending 9/28/12 and 10/12/12.

Dr. Franck made a motion to approve the following abstracts and transfers:

ABSTRACTS:

GENERAL

| | |
|-----|--------------------------------|
| 05a | 36,016.58 PR # 46 |
| 05b | 35,913.98 PR # 47 |
| A5a | 66,064.83 Non-Payroll Expenses |

WATER

| | |
|-----|--------------------------------|
| 05a | 6,141.64 PR # 46 |
| 05b | 6,667.43 PR # 47 |
| F5a | 10,982.69 Non-Payroll Expenses |

SEWER

| | |
|-----|-------------------------------|
| 05a | 5,891.61 PR # 46 |
| 05b | 6,518.10 PR # 47 |
| G5a | 4,786.10 Non-Payroll Expenses |

TROLLEY

| | |
|------|---------------------------------------|
| 05a | 2,492.68 PR # 46 |
| 05b | 3,252.67 PR # 47 |
| E5a | 2,131.02 Non-Payroll Expenses Public |
| ET5a | 1,384.51 Non-Payroll Expenses Private |

TRANSFERS:**2011-2012****GENERAL FUND**

| | | |
|-------------------|---|-----------|
| INCREASE: A1110.1 | VILLAGE JUSTICE-PERSONAL SERVICES | 279.56 |
| A1410.1 | CLERK-PERSONAL SERVICES | 628.96 |
| A1410.422 | CLERK-TELEPHONE | 14.72 |
| A1490.1 | PUBLIC WORKS ADMIN-PERSONAL SERVICES | 488.79 |
| A1620.1 | BUILDING-PERSONAL SERVICES | 575.22 |
| A3120.1 | POLICE-PERSONAL SERVICES | 6,045.75 |
| A3120.41 | POLICE-MATERIALS & SUPPLIES | 1,175.00 |
| A3120.422 | POLICE-TELEPHONE | 38.99 |
| A3310.42 | TRAFFIC CONTROL-ELECTRIC | 52.49 |
| A3410.49 | FIRE DEPT-VEHICLE EXPENSES | 642.72 |
| A3620.1 | SAFETY INSPECTION-PERSONAL SERVICES | 329.59 |
| A5112.44 | STREET PERM IMPROVE-CONTRACT PROF & TECH | 8,275.90 |
| A5132.422 | STREETS GARAGE-TELEPHONE | 67.00 |
| A7110.1 | PARKS-PERSONAL SERVICE | 610.36 |
| A7140.1 | DOUBLEDAY FIELD-PERSONAL SERVICES | 1,390.52 |
| A7140.44 | DOUBLEDAY FIELD-CONTRACT PROF & TECH | 165.81 |
| A8710.1 | CONSERV NATURAL RESOURCES-PERSONAL SERVICES | 229.43 |
| A8740.1 | WATERSHED-PERSONAL SERVICES | 127.40 |
| A9040.8 | EMPLOYEE BENEFITS-WORKERS COMPENSATION | 21,964.14 |
| DECREASE: A9060.8 | EMPLOYEE BENEFITS-GROUP HEALTH INSURANCE | 43,102.35 |

ABOVE TRANSFERS TO CLEAR OUT OVERAGES IN GENERAL FUND**WATER FUND**

| | | |
|-------------------|---|----------|
| INCREASE: F9040.8 | EMPLOYEE BENEFITS-WORKERS' COMPENSATION | 3,451.51 |
| DECREASE: F8320.1 | SOURCE OF SUPPLY-PERSONAL SERVICES | 3,451.51 |

ABOVE TRANSFERS TO CLEAR OUT OVERAGE IN WATER FUND**SEWER FUND**

| | | |
|--------------------|---|----------|
| INCREASE: G8120.44 | SANTARY SEWERS-CONTRACT PROF & TECH | 2,296.87 |
| G8130.47 | SEWAGE TRT & DISP-OTHER EXPENSES | 2,090.00 |
| G9040.8 | EMPLOYEE BENEFITS-WORKERS' COMPENSATION | 3,451.51 |
| DECREASE: G1990.47 | SEWER-CONTINGENT ACCOUNT | 7,838.38 |

ABOVE TRANSFERS TO CLEAR OUT OVERAGES IN SEWER FUND**TROLLEY FUND (PUBLIC)**

| | | |
|--------------------|--|-----------|
| INCREASE: E1994.3 | DEPRECIATION EXPENSE | 49,948.69 |
| E5630.422 | TROLLEY-TELEPHONE | 136.20 |
| E5630.47 | TROLLEY-OTHER EXPENSES | 351.56 |
| E9040.8 | EMPLOYEE BENEFITS-WORKERS COMPENSATION | 727.95 |
| DECREASE: E1910.47 | TROLLEY-UNALLOCATED INSURANCE | .66 |

| | | |
|----------|--|-----------|
| 3,835.00 | E5630.1 TROLLEY-PERSONAL SERVICES | |
| | E5630.2 TROLLEY-EQUIPMENT | 6,792.24 |
| | E5630.41 TROLLEY-MATERIALS & SUPPLIES | |
| 1,259.25 | | |
| | E5630.423 TROLLEY-SEWER & WATER RENTS | |
| 16.56 | | |
| | E5630.44 TROLLEY-CONTRACT PROF & TECH SERVICES | |
| 2,626.76 | | |
| | E5630.49 TROLLEY-GASOLINE | 3,015.74 |
| | E9030.8 SOCIAL SECURITY TAX | 1,097.09 |
| | E9050.8 UNEMPLOYMENT INSURANCE | 99.00 |
| | E9055.8 EMPLOYEE BENEFITS-DISABILITY INSURANCE | |
| 194.74 | | |
| | E599 APPROPRIATED FUND BALANCE | 32,227.36 |

ABOVE TRANSFERS TO CLEAR OVERAGES IN TROLLEY (PUBLIC)
 NOTE PART OF TRANSFER IS FROM FUND BALANCE

TROLLEY (PRIVATE)

| | | |
|----------|---|----------|
| | INCREASE: ET5630.1 D TROLLEY-PERSONAL SERVICES | 2,328.05 |
| | ET5630.41 TROLLEY- MATERIALS & SUPPLIES | 190.36 |
| | ET5630.48 TROLLEY-REPAIR (PRIVATE) | 3,258.96 |
| | ET9040.8 EMPLOYEE BENEFITS-WORKERS COMPENSATION | 527.14 |
| | DECREASE: ET1910.47 TROLLEY-UNALLOCATED INSURANCE | |
| .34 | | |
| | ET5630.42 TROLLEY-ELECTRIC | |
| 9.87 | | |
| | ET5630.422TROLLEY-TELEPHONE | |
| 341.19 | | |
| | ET5630.423TROLLEY-SEWER & WATER RENTS | |
| 48.88 | | |
| | ET5630.44 TROLLEY-CONTRACT PROF & TECH SERVICES | |
| 566.26 | | |
| | ET5630.49 TROLLEY-GASOLINE | 1.64 |
| | ET9030.8 SOCIAL SECURITY TAX | 45.11 |
| | ET9055.8 EMPLOYEE BENEFITS-DISABILITY INSURANCE | |
| 48.00 | | |
| | ET599 APPROPRIATED FUND BALANCE | |
| 5,243.22 | | |

ABOVE TRANSFERS TO CLEAR OVERAGES IN TROLLEY (PRIVATE)
 NOTE PART OF TRANSFER IS FROM FUND BALANCE

CAPITAL PROJECTS**LINDEN AVE IMPROVEMENT**

| | | |
|------------|--|------------|
| | INCREASE: HA582401 INTEREST-LINDEN AVE | 870.60 |
| | HA583505 STATE AID-MULTI MODAL-LINDEN AVE IMPRMT | 527,996.78 |
| | HA510 ESTIMATED REVENUES | 528,867.38 |
| | RECOGNIZE REVENUES | |
| | INCREASE: HA585110.2 PLANNING & ENG-LINDEN AVE IMPRVMT-GENERAL | 124,033.77 |
| | HA585110.24CONST COST-LINDEN IMPRVMNT-GENERAL | 573,706.61 |
| | HA588120.2 PLANNING & ENG-LINDEN AVE IMPRVMT-SEWER | 13,190.41 |
| | HA588340.2 PLANNING & ENG-LINDEN AVE IMPRVMT-WATER | 18,920.05 |
| | HA588340.24CONST COST-LINDEN IMPRVMNT-WATER | 29,598.04 |
| | HA960 APPROPRIATIONS | 528,867.38 |
| | HA599 FUND BALANCE APPROPRIATED-LINDEN AVE IMP | |
| 230,581.50 | | |

ABOVE TRANSFERS ARE TO ADJUST FOR ACTIVITY IN LINDEN AVENUE IMPROVEMENT ACCOUNTS

*****NOTE PART OF TRANSFER IS FROM FUND BALANCE*****

SEWER COLLECTION & TREATMENT

| | | | |
|------------------------|--|-----------|----------|
| INCREASE: HC592401 | INTEREST-SEWER COLL & TRT | 2,095.27 | |
| HC510 | ESTIMATED REVENUES | | 2,095.27 |
| RECOGNIZE REVENUES | | | |
| INCREASE: HC598120.202 | PLNNG & DSGN-SE COLL & TRT (SUS TRNK LN) | 53,550.89 | |
| HC598120.21 | CONST COST-SEWER COLL & TRT-WETLANDS | 9,270.00 | |
| HC960 | APPROPRIATIONS | | 2,095.27 |
| HC599 | FUND BALANCE APPROPRIATED SEWER COLL/TRT | | |

60,725.62

ABOVE TRANSFERS ARE TO ADJUST FOR ACTIVITY IN THE SEWER COLLECTION & TREATMENT ACCOUNTS

*****NOTE PART OF TRANSFER IS FROM FUND BALANCE*****

BROOKLYN/PIONEER/LAKE & ELM

| | | | |
|-----------------------|---|-----------|--------|
| INCREASE: HE612401 | INTEREST-BROOKLYN PIONEER LAKE & ELM | 343.78 | |
| HE510 | ESTIMATED REVENUES | | 343.78 |
| RECOGNIZE REVENUES | | | |
| INCREASE: HE615197.21 | CONST COST-BROOKLYN PIONEER LAKE & ELM | 15,000.00 | |
| HE615197.44 | PLANNING & ENGINEERING- BRKLYN PNR LAKE & ELM | 2,262.35 | |
| HE960 | APPROPRIATIONS | | 343.78 |
| HE599 | FUND BALANCE APPROPRIATED BRKLYN PNR LAKE & ELM | | |

16,918.57

ABOVE TRANSFERS ARE TO ADJUST FOR ACTIVITY IN THE BROOKLYN/PIONEER/ LAKE & ELM ACCOUNTS

*****NOTE PART OF TRANSFER IS FROM FUND BALANCE*****

2012-2013

GENERAL FUND

| | | |
|--------------------|------------------------------|----------|
| INCREASE: A4540.49 | AMBULANCE – VEHICLE EXPENSES | 2,160.00 |
| DECREASE: A4540.2 | AMBULANCE – EQUIPMENT | |
| 2,160.00 | | |

TO ADJUST FOR OVERAGE ON VEHICLE EXPENSE ACCOUNT

Dr. Falk seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Mr. Dean made a motion to accept the Finance Committee report as presented. Dr. Falk seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Trolley Committee – There was no meeting held this month.

Ms. Mebust noted that Ian Porto has submitted his resignation as a committee member and asked that consideration be given to a member to represent the downtown business community.

Watershed Committee – Copies of the minutes and status report from the October meeting were provided in the Trustee packets.

Economic Sustainability Committee – A copy of the September 26, 2012 committee minutes was provided in the Trustee packets.

Dr. Franck reviewed committee discussion as outlined in the minutes.

Mr. Katz stated that the Zoning Review Committee discussed the issue of tourist accommodations and that Susan Snell and Tavis Austin will be working on recommendations for the committee's review.

Dr. Falk made a motion to accept the Economic Sustainability Committee report as submitted. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried

Environmental Conservation Committee - A copy of the October committee report was provided in the Trustee packets.

Mr. Dean stated that the committee's proposal for Trustee adoption of a resolution in opposition to the Constitution pipeline received some press coverage.

He read and reviewed information including a letter from an Oneonta resident in support of adoption of the resolution and also proposed language of the resolution.

He said that he tends to agree with the public comment he heard tonight and that this pipeline is not in the best interest of the public or the residents of the Village.

Dr. Falk stated that she is not in favor of the pipeline but struggles with the suggested wording of the resolution.

She said that she has concerns over its need, property rights, safety and fracking issues.

Mr. Capozza stated that he agrees with Dr. Falk. He said he does not support hydrofracking, but doesn't feel that it is connected to the proposed pipeline.

Dr. Franck stated that he doesn't want hydrofracking but we do wrestle with the problem of energy. He said there will be an overlap of time when we still depend on these sources of energy while becoming energy independent.

He said he doesn't feel we are adequately informed on the other side of the issue and feels he needs to learn more about it. He said as he doesn't have enough information at this time he could not support the resolution.

Ms. Tillapaugh stated that she would concur based on the wording of the resolution. She said that she is also opposed to hydrofracking.

She stated that she hasn't conducted some research since the subject was addressed at the October 5th meeting and she feels it is wrong to link this pipeline with fracking and she can't support the resolution.

Ms. Mebust stated that she agrees with the comments made by Dr. Falk, Mr. Capozza, Dr. Franck and Ms. Tillapaugh.

She stated that she doesn't believe this affects the Village and is largely symbolic on the part of the Village. She said she doesn't have enough information to vote for the resolution.

Mayor Katz stated that the vote last year on the fracking statement had the potential to directly affect the Village through its drinking water.

He stated he would suggest referring comments heard from the public and Trustees tonight back to the Environmental Conservation Committee.

No action was taken on the proposed resolution.

Dr. Falk made a motion to accept the Environmental Conservation Committee report as presented. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Parks Board – A copy of the October Board minutes was provided in the Trustee packets.

Ms. Tillapaugh made a motion to authorize the submittal of necessary applications for the expansion of the Village docks up to a potential 50 feet into the lake. Ms. Mebust seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Water Board – A copy of the October Board minutes was provided in the Trustee packets.

Ms. Tillapaugh made a motion to accept the Water Board report as submitted. Dr. Falk seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Sewer Board – A copy of the October Board minutes was provided in the Trustee packets.

Mayor Katz made a motion to appoint Paul Bedworth as a member of the Sewer Board. Mr. Capozza seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Dr. Falk made a motion to accept the Sewer Board report as submitted. Ms. Mebust seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Permits:

Ms. Tillapaugh made a motion to approve the permit application of the Cooperstown Chamber of Commerce for the Halloween Parade and use of the fire hall on October 31 as submitted. Ms. Mebust seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Tree Donation:

Dr. Falk made a motion to accept the donation of a "Sun Valley" Maple tree at 55 Beaver Street by Ann Stewart as recommended by Mr. Clancy. Mayor Katz seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Mayor Katz made a motion to adjourn to executive session at 9:06 p.m. to discuss pending litigation and the work history of a particular individual. Dr. Franck seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Ms. Mebust made a motion to return to regular session at 9:50 p.m. and adjourn the meeting. Mr. Capozza seconded the motion and a vote had the following results:

AYES: Mebust, Tillapaugh, Franck, Falk, Dean, Capozza Motion carried.

Respectfully submitted,

Teri L. Barown
Village Clerk